

Application No.: 09/974040

Case No.: 56685US002

REMARKS

The remarks below respond to the Office Action mailed February 12, 2003.

Claims 1-44 are pending in the application. Claims 39-44 have been withdrawn from consideration and are canceled.

With this response, claims 1, 6, 10, 25, 27, 28, 29, 35, and 38 have been amended. Claims 45-49 are added. And claims 16 and 39-44 have been canceled.

No fee is believed to be due at this time.

Claims 1-15, 17-38, and 45-49 remain in the application for consideration.

Reconsideration and allowance of the claims, as amended, and in view of the following remarks, are respectfully requested.

Applicants affirm the election made by telephone, to prosecute claims 1-38.

The Objection to Claims 6, 10, 27, and 38

Claims 6, 10, 27, and 38 are objected to because of "informalities." These claims have been amended as suggested.

Rejection Under 35 U.S.C. 102**Perez et al. '343**

Claims 1-2, 5-23 and 25-33 are rejected under 35 USC 102(e) as being anticipated by Perez et al. (6,331,343).

The rejection is overcome by amendment to claims 1, 25, and 33. The claims, as amended, are believed to be novel over the cited reference. Only strict novelty is required to overcome the rejection, because, as described below, the Perez '343 reference is not available to apply against the present claims in an obviousness analysis.

Joseph et al.

Claims 1 and 3-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Joseph et al, U.S. Patent No. 6,368,687.

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The rejection is overcome by amendment to independent claim 1. The claims, as amended, are believed to be novel over the cited reference. Only strict novelty is required to overcome the rejection, because, as described below, the Joseph et al. '687 reference is not available to apply against the present claims in an obviousness analysis.

Perez et al. '024

Claims 1 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Perez et al., U.S. Patent No. 6,420,024.

The rejection is overcome by amendment to independent claim 1. Claim 1, as amended, is believed to be novel over the cited reference. Only strict novelty is required to overcome the rejection, because, as described below, the Perez '024 reference is not available to apply against the present claims in an obviousness analysis.

In view of the above amendments and remarks, it is requested that the rejection of the claims as anticipated in view of the cited references, be withdrawn.

Rejection Under 35 U.S.C. 103

Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joseph et al., U.S. Patent No. 6,368,687. Claims 29 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perez et al., U.S. Patent Number 6,331,343 in view of Joseph et al., U.S. Patent No. 6,368,687.

The Joseph et al. and Perez et al. references are not available as prior art for a rejection under 35 U.S.C. 103(a).

For patent applications filed on or after November 29, 1999, subject matter which was prior art under the former 35 U.S.C. 103 via 35 U.S.C. 102(e) is not prior art against the claimed invention if that subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(1)(1).

The Joseph et al. reference ('687) was filed on December 1, 1998, and issued on April 9, 2002. The Perez et al. reference ('343) was filed on May 7, 1999, and issued on December 18, 2001. Accordingly, the Joseph et al. and Perez et al. references may only qualify as prior art

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under 35 U.S.C. 102(e). The present application and Joseph et al. were, at the time of the invention of the present application, owned by 3M Innovative Properties Company. Also, the present application and Perez et al. were, at the time of the invention of the present application, owned by 3M Innovative Properties Company. Therefore, Joseph et al. and Perez et al. are disqualified as prior art under 35 U.S.C. 103 against the claimed invention. As such, Applicants respectfully request withdrawal of the rejection of claims 29, 33, 34, and 36-38 under 35 U.S.C. 103.

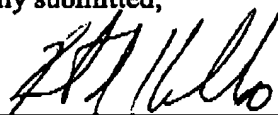
The Examiner is invited to contact the undersigned, at the Examiner's convenience, should the Examiner have any questions regarding this communication or the present patent application.

Respectfully submitted,

Date

5/13/03

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